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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,240	02/26/2002	Yoshifumi Arai	YOKOP001	8018

22434 7590 02/21/2007  
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EXAMINER
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BAKER, CHARLOTTE M

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/085,240

Applicant(s)

ARAI ET AL.

Examiner

Charlotte M. Baker

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-18 and 29-35 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/19/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 recites the limitation "said print control client" in the body of the claim. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. The claimed invention is directed to non-statutory subject matter.
5. Claims 29 and 30 are seemingly a patentable process, however, it is in reality seeking patent protection of the computer program in the abstract as evidenced by claim 31.
6. Claim 32 is seemingly a patentable process, however, it is in reality seeking patent protection of the computer program in the abstract as evidenced by claim 33.
7. Claims 31 and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program code claimed is merely a set of instructions per se. Since the computer program code is merely a set of instructions not **embodied** on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory. The current claim language uses "including", which does not necessarily mean store, encoded, or embodied. See MPEP § 2106 IV.B.1.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-12, 14-18 and 29-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumada (US 2001/0012396 A1).

**Regarding claim 1:** Kumada discloses acquire from said client (Fig. 23, network terminal 20) data relating to actual colors printed by a printer (color patch, par. 181 and par. 186-187) associated with said client (Fig. 23, network terminal 20), create said color matching information (pars. 198 and 199) based on said data relating to actual colors printed (color patch, par. 181 and par. 186-187) and data relating to said prescribed standard colors that effectively describes said prescribed standard colors (par. 175), and send the color matching information to said client (Fig. 23, network terminal 20), thereby allowing said client (Fig. 23, network terminal 20) to use said color matching information (pars. 198 and 199) to convert said color data to said prescribed standard colors (par. 175) (pars. 198 and 199).

**Regarding claim 2:** Kumada discloses send to a server (Fig. 23, network server 40) the data of actual colors printed by a printer (color patch, par. 181 and par. 186-187) associated with said client (Fig. 23, network terminal 20) in the environment of said client (Fig. 23, network terminal 20), acquire color matching information (pars. 198 and 199) for said actual colors from said server (Fig. 23, network server 40), wherein said color matching information (pars. 198 and 199)

Art Unit: 2625

permits reproduction of prescribed standard colors (par. 175) and is determined based on said data relating to actual colors printed (color patch, par. 181 and par. 186-187) and data relating to said prescribed standard colors (par. 175) that effectively describes said prescribed standard colors (par. 175), thereby allowing said client (Fig. 23, network terminal 20) to use said color matching information (pars. 198 and 199) to convert said color data to said prescribed standard colors (par. 175), and convert color data based on said color matching information (pars. 198 and 199) to said prescribed standard colors (par. 175) (Figs. 25-29) (pars. 184-199).

**Regarding claim 3:** Kumada discloses a measured data acquiring component capable of acquiring the measured data of the image for colorimetry having a plurality of tones (par. 181) for each of said printing colorants (color patch, par. 181) which is printed by said print control client (Fig. 23, network printer 50), a color matching information (pars. 198 and 199) creating component capable of creating said color matching information (pars. 198 and 199) based on the measured data of the image for colorimetry (par. 181) for said individual printing colorants and the measured data of said standard colors corresponding to the printing colorants which have previously been acquired (par. 181), and a color matching information (pars. 198 and 199) output component capable of outputting the color matching information (pars. 198 and 199).

**Regarding claim 4:** Kumada discloses a colorimetry image print controller (Fig. 23, network terminal 20) capable of controlling the printing of images for colorimetry (color patch, par. 181) with a plurality of tones for each of said printing colorants to determine measured data (measured data, par. 181), a receiver/sender (Fig. 23, network 30) capable of receiving the measured data (measured data, par. 181) of the images and sending it to said print control server (Fig. 23, network server 40), an acquiring component capable of acquiring said matching color

Art Unit: 2625

information (pars. 198 and 199) from said print control server (Fig. 23, network server 40), and a convertor (Fig. 23, network server 40) (Fig. 25) capable of converting said print data into said color data based on said color matching information (pars. 198 and 199).

**Regarding claim 5:** Kumada satisfies all the elements of claim 3. Kumada further discloses wherein the measured data (measured data, par. 181) of said print control client (Fig. 23, network printer 50) is lightness data of the image for colorimetry (color patch, par. 181) with a plurality of tones for each of said printing colorants (color patch, par. 181).

**Regarding claim 6:** Kumada satisfies all the elements of claim 4. Kumada further discloses wherein the measured data (measured data, par. 181) of said image for colorimetry is lightness data (color patch, par. 181) and said receiver/sender (Fig. 23, network 30) receives the input of the lightness data (color patch, par. 181) of the image for colorimetry and sends it to said print control server (Fig. 23, network server 40).

**Regarding claim 7:** Kumada discloses a colorimetry image print controller (Fig. 23, network terminal 20) capable of controlling the printing of colorimetry images (color patch, par. 181) with a plurality of tones for each of said printing colorants (color patch, par. 181); a lightness data receiver/sender (Fig. 23, network 30) capable of receiving the input of the lightness data of said colorimetry image (color patch, par. 181) and sending it to said print control server (Fig. 23, network server 40); and a color matching information acquisition component (Figs. 25-29) capable of acquiring said color matching information (pars. 198 and 199) from said print control server (Fig. 23, network server 40); a standard color lightness data storing region (Fig. 23, calibration profile storage unit 43) in which is stored the lightness data of said standard color (Fig. 23, calibration profile storage unit 43); a lightness data acquisition component (Fig. 23,

Art Unit: 2625

densitometer 70) capable of acquiring lightness data of the colorimetry image (color patch, par. 181) for each of said printing colorants (color patch, par. 181) which is printed by said print control client (Fig. 23, network printer 50); a color matching information (pars. 198 and 199) creating component capable of creating said color matching information (pars. 198 and 199) based on the lightness data of the colorimetry image (color patch, par. 181) for each of said printing colorants (CMYK) and the lightness data of said standard colors corresponding to the printing colorants (color patch, par. 181); and a color matching information output component (Figs. 27-29 and par. 199) capable of outputting to said print control client (Fig. 23, network printer 50) the color matching information (pars. 198 and 199).

**Regarding claim 8:** Kumada satisfies all the elements of claim 7. Kumada further discloses an image data sending component (Fig. 23, network terminal 10) capable of acquiring image data from an image capturing equipment (Fig. 23, scanner 60) to capture image data of an image for colorimetry (color patch, par. 181) and sending it to said print control server (Fig. 23, network server 40), and said lightness acquisition component (Fig. 23, densitometer 70) converts the image data entered from said print control client (Fig. 23, network printer 50) into the lightness data (color patch, par. 181), thereby acquiring the lightness data of said image for colorimetry (color patch, par. 181).

**Regarding claim 9:** Kumada satisfies all the elements of claim 8. Kumada further discloses wherein said image capturing equipment is a scanner (Fig. 23, scanner 60).

**Regarding claim 10:** Kumada satisfies all the elements of claim 7. Kumada further discloses wherein said color matching information (pars. 198 and 199) is a tone value correction table (Fig. 21) which makes the tone value of the color data converted from said print data correspond

to the tone value for color reproduction to match said standard color with printing colorants (CMYK) corresponding to said color data (Fig. 21 and par. 175).

**Regarding claim 11:** Kumada satisfies all the elements of claim 7. Kumada further discloses wherein said color matching information (pars. 198 and 199) is provided in the form of color conversion table in which the relation between input and output is corrected (Fig. 21 and par. 175).

**Regarding claim 12:** Kumada discloses said first print control client (Fig. 23, network terminal 10) comprising a standard color lightness data sending component (Fig. 23, monitor description information storage unit 11 and printer description information storage unit 12) capable of receiving the input of the lightness data of said standard colors (Fig. 23, scanner 60 and densitometer 70) and sending to said print control server (Fig. 23, network server 40) the lightness data of standard colors which has been entered (par. 180-182); said print control server (Fig. 23, network server 40) comprising a standard color lightness data storing component (Fig. 23, CMM storage unit 41) capable of storing in said standard color lightness data storing region (Fig. 23, CMM storage unit 41) the lightness data of said standard colors which is entered from said first print control client (Fig. 23, network terminal 10); and wherein said color matching information output component (Fig. 23, network terminal 10) outputs to said second print control client (Fig. 23, network terminal 20) said color matching information which has been created based on the lightness data of said standard colors entered from said first print control client (Fig. 23, network terminal 10) (par. 181 and pars. 198-199).

**Regarding claim 14:** Kumada satisfies all the elements of claim 7. Kumada further discloses wherein said print control client (Fig. 23, network terminal 10) has an identification information



Art Unit: 2625

sending component (Fig. 23, printer description information storage unit 12) capable of acquiring the identification information of the equipment (par. 180) which reproduces colors with said printing colorants (CMYK) and sending it to said print control server (Fig. 23, network server 40), and said color matching information creating component (Fig. 23, network server 40) is capable of creating said color matching information based on the lightness data of said standard colors (color patch, par. 181) corresponding to the identification information entered from said print control client (Fig. 23, network terminal 10).

**Regarding claim 15:** The structural elements of apparatus claim 3 perform all of the steps of method claim 15. Thus, claim 15 is rejected for the same reasons discussed in the rejection of claim 3.

**Regarding claim 16:** Arguments analogous to those stated in the rejection of claim 3 are applicable. A computer readable medium storing a print control computer program code is inherently taught as evidenced by network server 40 (which contains a CPU, a RAM, a hard disk and the like, par. 181) and various memories stored therein.

**Regarding claim 17:** Kumada discloses a communicating component (Fig. 23, network 30) capable of transmission and reception of data through a communication line (network connection); a read color data acquisition component capable of acquiring through said communication line (network connection) the read color data obtained by reading with a prescribed image input device (Fig. 23, scanner 60) the color charts (color patch) printed by a specific printing device (Fig. 23, network printer 50 and par. 186) based on prescribed print color data (Figs. 25-26); a color character description data acquisition component (Fig. 23, network server 40) capable of acquiring through a prescribed interface (network connection) the color

Art Unit: 2625

character description data (Fig. 23, monitor description information storage unit 11 and printer description information storage unit 12) to match the print color data of the image input device with the prescribed standard color space coordinate values (Fig. 23, network server 40); a profile data creating component (Fig. 23, network server 40) capable of creating the profile data defining correspondence between the printed color data and the prescribed standard color space coordinate values by matching the read color data with the standard color space coordinate value with reference to the color character description data (Fig. 23, profile storage unit 42) (par. 181); and a profile data output (Fig. 23, network server 40) capable of outputting through the communication line (network connection) the thus created profile data (Fig. 28) (pars. 198-220).

**Regarding claim 18:** Kumada discloses a color chart print demand receiving component (Fig. 23, network terminal 10) capable of receiving a demand to print a prescribed color chart (color patch) by said printing device (Fig. 23, network printer 50) (Fig. 25); a printing control component (Fig. 23, network server 40) capable of controlling the print execution by said printing device (Fig. 23, network printer 50) based on a prescribed printing color data in compliance with the printing demand from said color chart print demand receiving component (Fig. 23, network terminal 10); a color chart reading demand receiving component (Fig. 23, network terminal 10) capable of receiving a demand to read by said image input device (Fig. 23, scanner 60) the color chart printed in accordance with the control effectively provided by said print control component (Fig. 23, network server 40); an image input device control component (Fig. 23, network terminal 10) capable of controlling said image input device (Fig. 23, scanner 60) in compliance with the read demand from said color chart reading demand receiving component (Fig. 23, network terminal 10) and acquiring the read color data of said color chart

(color patch); a color character description data acquisition component (Fig. 23, network terminal 10) for controlling said image input device (Fig. 23, scanner 60) and acquiring the color character description data previously stored in said image input device (Fig. 23, scanner 60), said data matching the read color data with the prescribed standard color space coordinate value and being measured (Fig. 23, densitometer 70) for the individual input image devices (pars. 181-199); a communication component (Fig. 23, network 30) capable of transmission and reception of data through a communication line (network connection); a data output component (Fig. 23, network terminal 10) capable of outputting said printing color data (color patch), said read color data (Fig. 23, scanner 60 and densitometer 70), and said color character description data (Fig. 23, monitor description information storage unit 11 and printer description information storage unit 12) through said communication component (Fig. 23, network 30); and a profile data acquisition component (Fig. 23, network terminal 10) capable of acquiring the profile data of the printing device (from network server 40) through said communication component (Fig. 23, network 30) (pars. 178-197).

**Regarding claim 29:** The structural elements of claim 31 perform all of the steps of method claim 29. Thus, claim 29 is rejected for the same reasons discussed in the rejection of claim 31.

**Regarding claim 30:** Kumada satisfies all the elements of claim 29. Kumada further discloses wherein said method is performed by a server (Fig. 23, network server 40).

**Regarding claim 31:** Arguments analogous to those stated in the rejection of claim 1 are applicable. A computer readable medium including computer program code is inherently taught as evidenced by network server 40 (which contains a CPU, a RAM, a hard disk and the like, par. 181) and various memories stored therein.

**Regarding claim 32:** The structural elements of claim 33 perform all of the steps of method claim 32. Thus, claim 32 is rejected for the same reasons discussed in the rejection of claim 33.

**Regarding claim 33:** Arguments analogous to those stated in the rejection of claim 2 are applicable. A computer readable medium including computer program code is inherently taught as evidenced by network server 40 (which contains a CPU, a RAM, a hard disk and the like, par. 181) and various memories stored therein.

**Regarding claim 34:** Kumada satisfies all the elements of claim 7. Kumada further discloses wherein said print control client (Fig. 23, network terminal 10) prints said colorimetry image (color patch) for each of the printing colorants (color patch) by using said colorimetry image print control component (Fig. 23, network terminal 10), receives the input of the lightness data of said colorimetry image (color patch) by said lightness data sending component (Fig. 23, network 30), and sends it to said print control component (Fig. 23, network server 40); and wherein said print control server (Fig. 23, network server 40) receives the lightness data from said print control client (Fig. 23, network terminal 30) by said lightness data acquisition component (Fig. 23, network 30), creates the color matching information by using said color matching information creating component (Fig. 23, network server 40) based on the lightness data and said lightness data stored in said standard color lightness data storing region (Fig. 23, CMM storage unit 41); and sends the created color matching information to said print control component (Fig. 23, network terminal 10) by said color matching information output component (Fig. 23, network server 40) (pars. 198-199 and Figs. 25-29).

**Regarding claim 35:** Kumada satisfies all the elements of claim 34. Kumada further discloses wherein said print control client (Fig. 23, network terminal 10) further acquires said color

Art Unit: 2625

matching information from said print control server (Fig. 23, network server 40) by said color matching information acquisition (Figs. 25-29), and converts said print data into said color data based on the color matching information (pars. 198-199).

***Allowable Subject Matter***

10. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMB

*KA Williams*  
KIMBERLY WILLIAMS  
PRIMARY PATENT EXAMINER